

**PLANNING DIRECTOR'S DECISION ON
CONDITIONAL USE PERMIT APPLICATION
FILE NO. Z21-227CUP2**

SUMMARY OF REQUEST:

DESCRIPTION OF PROPOSAL: The applicant, Arise Christian Academy is proposing to convert a portion of an existing church into a small private school for up to 50 students with 3 teachers and support staff. The applicant intends no interior renovations or exterior improvements to the site.

GENERAL INFORMATION:

- | | | |
|----|----------------------------|---|
| A. | Applicant: | Arise Christian Academy
c/o Robyn McClain
1012 S Freya St
Spokane, WA 99202 |
| B. | Property Owner: | Beyond Grace Fellowship
PO Box 8123
Spokane, WA 99203-0123 |
| D. | Location of Proposal: | The subject property is located at 1012 S Freya,
Parcel No. 35223.2216 |
| E. | Existing Zoning: | RSF (Residential Single Family) |
| F. | Land Use Plan Designation: | Residential 4-10 |
| G. | SEPA Status: | Exempt |
| H. | Enabling Zoning: | SMC 17C.110.110.G Residential Zones |
| I. | Staff Contact: | Ali Brast, Assistant Planner II, 625-6638
abrast@spokanecity.org |
| J. | Date of Decision: | November 29, 2021 |

- A. **Site Description:** The project site is in the East Central neighborhood and sits on the corner of E 11th Ave and S Freya St. The site contains an approx. 10,00sqft church and associated parking lot and is surrounded by single family homes. The property received a special permit in 1956 to build the church. The site is nearly two acres in size.



- B. **Project Description:** The applicant proposes to convert a portion of the existing church building into a small private school to serve up to 50 students with 3 teachers and support staff. The

applicant proposes no interior renovations or exterior site improvements. The building has been operating as a church and had a daycare in the past, so the structure and the site have been operating as an institutional use for a number of years. The applicant proposes to have all pick-up and drop-off of students take place on site, so no staging of vehicles is proposed on Freya St or 11th Ave.

- C. Surrounding Zoning: Residential Single Family (RSF) zoning to the north, south, east, and west.
- E. Adjacent Land Use: Residential 4-10 to the north, south, east, and west.
- F. Applicable Zoning Regulations: SMC 17C.110.110.G Residential Uses; 17C.320 Conditional Uses
- G. Procedural Requirements:
 - A Community Meeting was held on August 16, 2021 at Living Grace Fellowship Church (the subject site)
 - Application was submitted on September 22, 2021;
 - A Request for Comments notice was sent to Departments and Agencies on October 14, 2021;
 - The applicant was notified on November 2, 2021 that the application was technically complete;
 - A Notice of Application was mailed and posted on the subject property on November 8, 2021 which began the 15-day public comment period; and
 - The Public Comment Period closed on November 22, 2021.

DEPARTMENT REPORTS:

Notice of this proposal was sent to City departments and outside agencies for their review and comments on October 14, 2021. Their comments are included with the file and are made part of this application by reference.

PUBLIC COMMENT:

Staff received one public comment which identified concerns about increased traffic.

CONCLUSIONS:

SMC 17C.320.080 Decision Criteria

1. *The proposal is allowed under the provisions of the land use codes. SMC 17G.060.170(C)(1)*

Relevant Facts:

The subject site is zoned Residential Single Family (RSF). A new school is identified in SMC.110-1 as an Institutional Category of Use. Per 17C.110.110.G, new school uses are permitted in the RSF zone through a Type II Conditional Use Permit.

2. *The proposal is consistent with the comprehensive plan designation and goals, objectives, and policies for the property. SMC 17G.060.170(C)(2)*

Relevant Facts:

In Chapter 3-Land Use and 4-Transportation of the City's Comprehensive Plan:

**Policy LU 4.1 Land Use and Transportation states: Coordinate land use and transportation planning to result in an efficient pattern of development that supports alternative transportation modes consistent with the Transportation Chapter and makes significant progress toward reducing sprawl, traffic congestion, and air pollution.*

*Policy LU 5.3 Off-Site Impacts states: *Ensure that off-street parking, access, and loading facilities do not adversely impact the surrounding area.*

*Policy LU 5.5 Compatible Development states: *Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.*

*Policy LU 6.4 City and School Cooperation states: *Continue the cooperative relationship between the city and school officials.*

*Goal TR 3 Transportation and Land Use states: *Recognize the key relationship between where people live, work, and shop and their need to have access to these places*

3. *The proposal meets the concurrency requirements of chapter 17D.010 SMC. (SMC 17G.060.170(C)(3))*

Relevant Facts: The application was circulated on October 14, 2021 amongst all City departments and outside agencies with jurisdiction and there were no departments or agencies that reported that concurrency could not be achieved.

4. *If approval of a site plan is required, the property is suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic or cultural features. SMC 17G.060.170(C)(4)*

Relevant Facts: The proposed project site includes an existing church building and existing paved parking lot. No site improvements are proposed; the applicant intends to utilize the existing parking lot for parking during the week, as well as a staging area for pick-up and drop-off.

This site is located within the Aquifer Sensitive Area and the Aquifer Critical Area Recharge Zone and must comply with SMC Chapter 17E.010 Critical Aquifer Recharge Areas-Aquifer Protection.

5. *The proposal will not have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.*

Relevant Facts: No significant impacts were noted by reviewing City staff or agencies that require additional mitigation.

Staff Comment:

Any improvements to the exterior of the building will be required to meet the standards set out in SMC 17C.110.500 through SMC 17C.110.575, Institutional Design Standards in Residential Zones at time of building permit review.

Staff received one public comment with concerns about increased traffic and in the impacts to the neighborhood. The applicant has indicated that all student drop-off and pick-up will occur on site and no City streets will be utilized for queuing. Based on the comments that staff received from City Departments and outside Agencies, there is no indication that the proposed project would create effects on the surrounding neighborhood that would be significant enough to warrant mitigation.

Additional Decision Criteria for Institutional and Other Uses in Residential Zones are described in SMC 17C.320.080(F), what follows is a review of these criteria.

Chapter 17C.320.080 (F) Decision Criteria for Institutional and Other Uses in Residential Zones.

These approval criteria apply to all conditional uses in RA through RHD zones. The approval criteria allow institutional uses (including expansions of existing facilities), allow increases to the maximum occupancy of group living, and permit other non-residential household living uses in a residential zone. These types of uses must maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

1. *Proportion of Residential Household Living Uses.*

The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the residential household living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the residential household living category and is specifically based on the:

- a. number, size and location of other uses not in the residential household living category in the residential; and*
- b. intensity and scale of the proposed use and of existing residential household living uses and other uses.*

Relevant Facts:

This site has historically been an institutional use. In the 1950's, the site received a special permit to build a church and has been operating as such for decades. No exterior improvements are proposed, so the property will appear visually the same to surrounding property owners.

2. *Physical Compatibility.*

- a. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks and landscaping; or*
- b. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping and other design features.*

Relevant Facts:

As mentioned above, the site has historically been an institutional use. Any modifications made to the building will be required to adhere to Institutional Design Standards in Residential Zones found in 17C.110.500-575.

3. *Livability.*

The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

- a. noise, glare from lights, late-night operations, odors and litter; and*
- b. Privacy and safety issues.*

Staff Comments:

Adding a school use to the existing church building will have some impacts on neighbors. A building that has been occupied mostly on Sundays, will now be occupied Monday through Friday during the day. The application materials indicate that most students will be traveling to the site from the South, so vehicles will primarily access from Freya. There are existing driveway approaches to the site off of both Freya and 11th; no new access points are proposed. The application materials indicate that they anticipate playground noise being the most likely adverse impact to neighboring property owners, but state that the school population is small and the site itself is large, so they expect that most noise would dissipate before it becomes disruptive to adjacent neighbors. Again, use of the site will be concentrated to day-time hours.

No new lighting or late-night operations are proposed and refuse pick-up for the building will continue on Tuesdays, so no new odor impacts are expected. If the applicant needs additional pick-ups throughout the week, they will be able to coordinate that request with the Refuse Department. While there will be impacts to nearby residential properties, the applicant appears to have mitigated those impacts to the best of their ability.

4. *Public Services.*

- a. *The proposed use is in conformance with the street designations of the transportation element of the Comprehensive Plan.*
- b. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include:*
 - a) *street capacity, level of service and other performance measures;*
 - b) *access to arterials;*
 - c) *connectivity;*
 - d) *transit availability;*
 - e) *on-street parking impacts;*
 - f) *access restrictions;*
 - g) *neighborhood impacts;*
 - h) *impacts on pedestrian, bicycle and transit circulation;*
 - i) *safety for all modes; and*
 - j) *adequate transportation demand management strategies.*
- c. *Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems concept are acceptable to the engineering services department.*

Relevant Facts: The proposal does not decrease the level of service on any adjacent street. The site has access to all City of Spokane public services.

DECISION

TO APPROVE the Conditional Use Permit to allow the conversion of a portion of the existing church building at 1012 S Freya for a small private school for up to 50 students and associated teachers and staff, substantially in conformance with the plans and application on file in Planning and Development, and the following conditions of approval:

1. The project will be developed in substantial conformance with SMC 17C.110.500, Land Use Standards, Residential Zones, Institutional Design Standards, to maintain compatibility with, and limit the negative impacts on surrounding residential areas.
2. For the portion of the building to be used as a school, a Change of Occupancy permit may be required to meet any necessary building code requirements. Confer with the Building Department at buildingreview@spokanecity.org or by calling 625-6114.
3. Any site work proposed will be reviewed by Engineering for sewer, water, stormwater, and access compliance during Building Permit review.
4. Prior to the issuance of building permits, or occupancy for a school use, the applicant shall submit evidence to this file that the property owner has signed and caused the "Conditional Use Permit Agreement" to be recorded with the Spokane County Auditor's Office.
5. Adhere to any additional performance and development standards documented in comments or required by City of Spokane, Spokane County Washington State, and any Federal agency is required.

6. This approval does not waive the applicant's obligation to comply with all of the requirements of City Departments and outside agencies with jurisdiction over land development.

Time Limitation.

*A CUP (Type I or Type II) application automatically expires and becomes void if the applicant fails to apply for a building permit within **three years** of the effective date of the CUP.*

NOTICE OF RIGHT TO APPEAL

Appeals or requests for reconsideration of decisions by the Planning Director are governed by Spokane Municipal Code 17G.060.210 – Appeals. Decisions of the Planning Director regarding Type I or II applications are final unless appealed to the City of Spokane Hearing Examiner. All appeals must be filed with the Planning and Development Services Department within fourteen (14) calendar days of the date of the decision. All requests for reconsideration must be filed with Planning and Development Services within seven (7) days of the date of the decision. The date of the decision is November 29, 2021. **THE DATE OF THE LAST DAY TO APPEAL IS DECEMBER 13, 2021 AT 5:00 P.M.** In addition to paying the appeal fee (\$250) to appeal the decision, the ordinance requires payment of a transcript fee to the City of Spokane to cover the costs of preparing any required transcripts.

Sincerely,



Tami Palmquist for Louis Meuler, Interim Planning Director
Planning and Development Services
City of Spokane

By: Ali Brast, Assistant Planner II
Planning and Development